

**PLANNING BOARD
TOWN OF MARILLA**

Date: January 20, 2005

Present:	Debbie Zimmerman, Chairman Nathan Barnard Rich Janiga Judy Gillman Dan Handy Paul Domanowski Tom Wantuck	John Fronczek, CEO Warren Handley, Town Board Robert Miller, Consult
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Guest: Jim Sroka, Erie County Soil and Water Conservation District

- I. Debbie Zimmerman, Chairman, opened the Planning Board meeting at 7:05 p.m.

Introduction of new member Tom Wantuck and Laura Nuttle, secretary. Bob Miller to help with minutes. Introduction of all Planning Board members and Warren Handley sitting in for Barb Spanitz.

Jim Sroka spoke about the pond program in which he provides technical assistance to Erie County residents in regard to extreme bank erosion (he provided a hand out) in citing and designing ponds. The town is in the process of revamping our ordinance for ponds. Mr. Sroka explained what services his department performs. The Town of Marilla needs to define a pond which may include the landowner going to a landscape architect, licensed engineer or the district/NRCS. Specific designs need to be addressed. Wet lands are checked on wet land data base, they need to be checked through preliminary investigation and also need to contact the regulatory agency. Ponds usually do not take water away from wells. Soil is checked to see where water table is. There is no specific definition of a pond. It is considered excavating when soil is going off of property and then you need to get a permit. Can town keep individuals from taking soil off property?

- II. Minutes from December 16, 2004, meeting will be handed out at next meeting.

III. Old Business

Debbie Zimmerman reported that the Town held Settlement Day on December 30, 2004. The Berner golf course was discussed and what process is to be followed. SEQR process seemed to bypass town and went directly to DEC. Need to establish a lead agency. Discussion took place on what was proposed on the land and zoning districts, size of lots, cluster development. The roads were not consistent with town codes. Outcome was the DEC and SEQR requirements need to be followed. John Fronczek

gave Site Development Plan to applicant to follow. Berner needs to develop whole design at once. No response from community so far. John told Berner rezoning is the key issue before he can go further with anything else. Berner's check was returned to him. He could put the subdivision in our area but would have to follow the regulations with lot size.

In regards to ponds Bob Miller will try to get copy of East Aurora Ordinance and maybe a few other areas for examples. The Town of Hamburg charges \$1.00 per cubic yard for dirt leaving the town and the money goes to the town. Not sure how the town regulates. Town Board is concerned about the size, depth, some way to control removal of the fill, concerns of trucks on some of the roads that may not be able to handle trucks, effect on neighbors wells. Need to take a look at our definition of ponds and make sure it fits to the ordinance you are revamping. Every pond needs a building permit. John Fronczek feels a bit of controversy with Mr. Sroka stating that a few years back they did not do recreation ponds. John stated our code has a lot of the things Sroka talked about and John does address certain questions referring the people to Erie County in East Aurora. Section 210.11 Mining soil may be a concern.

IV. New Business

- a. Snyder flag lot on Four Rod Road where he wants to redo roadway and put house on farmland. Mr. Snyder has been to the CAB who refused it due to definition of flag lots in 210.40 prime farmland. No application has been filed. Mr. Murray also went to the CAB applying for a flag lot.
- b. Schlossin and his attorney met with John Foss and Fred Specht to develop subdivision next to town park. In our town's definition should we leave "prime" in prime farmland or replace it with another word. John would like opinion from Planning Board. In our Code Book 60,000 square feet with frontage of 200 and depth is 300 which should be considered for our building lots and also flag lots. This needs clarification. Section 210.11 Walter Schmidt is looking to create at least four more flag lots. The town can maybe take flag lots completely out of the ordinance or limit the number of flag lots to an original parcel. Town feels flag lots are being abused. Original argument against flag lots was people did not want someone building a house behind their house. Some people also feel if they have 200 feet of frontage they should be able to build on a flag lot. It was decided to have one flag lot per original parcel. Warren will discuss with Nathan Neill and John.

V. CEO Report

Site Plan Review passed out with good information. The Bullis Road Church is talking about expansion.

Agenda will be done the Friday before the meeting and will be put on internet. The minutes will be mailed. Any ideas please tell Laura. Everyone will be given an updated name and address list.

Debbie has various booklets on land use and planning. The next meeting will be February 17 at 7:00 p.m. It was decided not to have alternates for Planning Board.

VI. Town Board Report: None

VII. Motion to adjourn at 9:05 p.m. Nathan, Judy Second, and all in favor 7/0.

Respectfully submitted,

Laura Nuttle, Clerk